

REMARKS

The Application has been carefully reviewed in light of the Office Action dated February 23, 2004 (Paper No. 12). Claims 8 to 11, 13, 16, 21, 24, 25, 27 to 30, 34, 72, 73, 79 and 98 are in the application, of which Claims 8, 27, 72 and 98 are independent. Claims 1, 18 and 46 are being canceled without prejudice or disclaimer of the subject matter. Claim 8 is being amended, and Claim 98 is being added. Reconsideration and further examination are respectfully requested.

Initially, an Information Disclosure Statement (IDS) is being filed herewith, which cites the web information submitted with, and discussed in, Applicants' October 30, 2003 Amendment After Final Rejection. The Examiner is requested to initial the PTO-1449 to make this information formally of record in the present application.

The Applicants gratefully acknowledge the indication that Claims 27 to 30, 34, 72, 73 and 79 recite patentable subject matter.

Claims 1 and 46 are rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 5,828,781 (Nakano), and Claims 8 to 11, 13, 16, 18, 21, 24, 25 and 46 are rejected under 35 U.S.C. § 103(a) over Nakano and U.S. Patent No. 6,404,517 (Chao). Without conceding the correctness of their rejection, Claims 1 and 46 are being canceled, rendering their rejection moot.

The present invention generally concerns a software application programming interface (API) that allows one piece of computer software, such as a color calibration software program, to communicate with another piece of software, such as a device driver, to use a color measuring device. In addition, the API provides the

application program with information including flow control data of the number of times that a function of the API is to be called by the application program to perform an operation using the color measuring device.

By virtue of this arrangement, the software application program need not include separate routines for each color measuring device. Instead, the application program uses the common software interface provided by the software API to operate a color measuring device, and to receive flow control information provided by the API as regards a given color measuring device. The received flow control information can be used by the application program to determine its own execution flow, for example.

Turning to the specific language of the claims, Claim 8 concerns computer-executable process steps to provide a software application programming interface (API) comprising a common software interface between an application program and plural different types of color measuring devices each having at least one color measuring sensor and plural functions for operating the plural different types of color measuring devices. The process steps comprise the steps of receiving a call to a function from the application program, and calling a measuring device driver based on the called function to operate a color measurement device. Wherein, the plural functions comprise calibrate-position, calibrate-sensor, move-to-patch, and make-measurement functions. The calibrate-position function to calibrate a relative position of a recording medium with respect to the plural different types of color measuring devices. The calibrate-sensor function to calibrate the color measuring sensors of the plural different types of color measuring devices. The move-to-patch function to relatively position the color measuring sensors and a color patch

for the plural different types of color measuring devices, the move-to-patch function being provided with a logical color patch number by the application program. The make-measurement function to make a color measurement of the patch at which the color measuring sensors is relatively positioned, the make-measurement function providing the application program with a color measurement value for the color patch. For a color measuring device that is being operated, the API provides the application program with flow control data of the number of times that the function must be called.

The applied art, namely Nakano and Chao, is not seen to show the above features of the claim, particularly as regards computer-executable process steps to provide a software application programming interface (API) comprising a common software interface between an application program and plural different types of color measuring devices, each of which has at least one color measuring sensor, with plural functions of the API comprising calibrate-position, calibrate-sensor, move-to-patch, and make-measurement functions are for operating the plural different types of color measuring devices, the process steps comprising receiving a call to a function from the application program, and calling a measuring device driver based on the called function to operate a color measurement device. In addition, Nakano is not seen to show the API providing the application program with flow control data of the number of times that the function must be called.

Nakano is seen to describe a system, in which a learning process is repetitively used to “train” a neural network to output color separation values that approach target training signals. Referring to col. 10, lines 3 to 50, Nakano is seen to describe

incrementally adjusting the weighting of nodes in the neural network during the learning process until the output from the neural network is acceptable.

However, Nakano, and in particular the portions thereof cited in the Office Action, is not seen to show a software application programming interface (API) comprising a common software interface between an application program and plural different types of color measuring devices each having at least one color measuring sensor and plural functions, comprising calibrate-position, calibrate-sensor, move-to-patch, and make-measurement functions, for operating the plural different types of color measuring devices comprising receiving a call to a function from the application program, and calling a measuring device driver based on the called function to operate a color measurement device. In addition, Nakano is not seen to show the API providing the application program with flow control data of the number of times that the function must be called.

Chao has been carefully reviewed and is seen to not seen to remedy the deficiencies noted above with respect to Nakano.

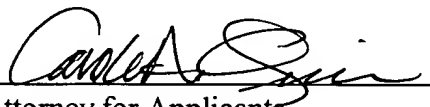
Therefore, for at least the foregoing reasons, Claim 8 is believed to be in condition for allowance. Further, Applicants submit that Claim 98, which is a method claim corresponding to Claim 8, is believed to be in condition for allowance for at least the same reasons.

Claims 9 to 11, 13, 16, 18, 21, 24 and 25 are each dependent from independent Claim 8 discussed above and are therefore believed patentable for the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

In view of the foregoing, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,


Attorney for Applicants
Carole A. Quinn
Registration No.: 39,000

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-2200
Facsimile: (212) 218-2200

CA_MAIN 80759v1